

Message Text

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ORIGIN EB-12

INFO OCT-01 EUR-25 EA-11 ISO-00 CAB-09 CIAE-00 COME-00

DODE-00 DOTE-00 INR-11 NSAE-00 RSC-01 FAA-00 L-03

IO-14 SSO-00 INRE-00 /087 R

DRAFTED BY EB/OA/AVP:DBORTMAN:JO

APPROVED BY EB/TT:JSMEADOWS

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FM SECSTATE WASHDC

TO AMCONSUL MONTREAL IMMEDIATE

INFO AMEMBASSY CANBERRA

AMCONSUL MELBOURNE

LIMITED OFFICIAL USE STATE 219489

E.O. 11652: N/A

TAGS: EAIR, CA

SUBJECT: CIVAIR - AUSTRALIAN USER CHARGES

REF : STATE 216566

MONTREAL FOR RAYMOND J. WALDMANN, USDEL CHAIRMAN TO
ICAO ASSEMBLY

1. DOT REPRESENTATION IN CONSULTATIONS WITH AUSTRALIA
WILL BE SAMUEL E. EASTMAN, DIRECTOR, OFFICE OF POLICY
REVIEW; ROBERT C. TOENNIESSEN, FAA AND LYNN JACKSON,
FAA. EASTMAN EXPECTS TO ARRIVE SUNDAY AT 7:00 AND WILL
TELEPHONE YOU TO HAVE DINNER IF POSSIBLE.
2. LETTER OF INSTRUCTIONS BEING DRAFTED. EXPECT IT WILL
HAVE ATTACHED A TEN PAGE PAPER PREPARED BY DOT AND THREE
PAN AM DISCUSSION PAPERS (COPIES WILL BE HAND CARRIED BY
EASTMAN). YOU SHOULD BE GUIDED IN GENERAL BY THE DOT
PAPER SUBJECT TO FOLLOWING:

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(A) PURPOSE OF CONSULTATION IS FIRST TO TEST VALIDITY

OF ALLEGATIONS THAT AUSTRALIAN LANDING CHARGES ARE DISCRIMINATORY OR EXCESSIVE. USDEL SHOULD NOT (AS COULD BE INFERRED FROM DOT PAPER) INITIALLY TAKE THE POSITION THAT CHARGES AGAINST AUSTRALIAN LANDING CHARGES HAVE BEEN PROVEN. INSTEAD USDEL SHOULD START OUT BY SEEKING TO

CLARIFY THE POSITIONS OF THE DELEGATIONS IN RESPECT TO THE SEVERAL INTEROGATORIES.

(B) IF DELEGATIONS ARE UNABLE TO AGREE ON THE VALIDITY OF THE AUSTRALIAN CHARGES, USDEL SHOULD THEN SEEK AN AGREEMENT WHICH WOULD PROVIDE THAT IF THE AIRPORT LANDING FEES OF ONE PARTY (AT RELEVANT INTERNATIONAL AIRPORTS) SUBSTANTIALLY EXCEEDS THAT OF THE OTHER (OR WEIGHTED AVERAGES OF SUCH FEES IF MORE THAN ONE AIRPORT IS INVOLVED), THEN THE CARRIER OF THE COUNTRY WHERE THE HIGHER FEES ARE REQUIRED SHALL PAY TO THE OTHER GOVERNMENT AN ADDITIONAL AMOUNT EQUAL TO THE DIFFERENCE. SUCH AN AGREEMENT WOULD NOT VIOLATE CHICAGO CONVENTION ARTICLE 15 SINCE OTHER FOREIGN CARRIERS WOULD NOT BE PREJUDICED.

3. USDEL SHOULD NOT USE THE US/USSR BILATERAL PROVISION CITED IN SECTION IV.C OF THE DOT PAPER SINCE UNDER THAT FORMULATION THE AUSTRALIANS WOULD BE REQUIRED TO CHARGE U.S. CARRIERS LESS THAN OTHERS AND THIS COULD BE CONTRARY TO ARTICLE 15 OR ALTERNATIVELY TO BE CONSISTENT WITH ARTICLE 15 WOULD BE REQUIRED TO CHARGE OTHERS SAME AS U.S. AND THIS HARDLY LIKELY TO BE ACCEPTABLE TO GOA. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETING AGENDA, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE219489
Document Source: CORE
Document Unique ID: 00
Drafter: DBORTMAN:JO
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740281-1086
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741071/aaaacikk.tel
Line Count: 89
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 216566
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2002 by ifshinsr>; APPROVED <11 MAR 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - AUSTRALIAN USER CHARGES
TAGS: EAIR, CA, AS, ICAO
To: MONTREAL
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005